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Hon. James L. Robart

**UNITED STATES DISTRICT COURT IN AND FOR
THE WESTERN DISTRICT OF WASHINGTON**

JERRY HOANG; LE UYEN THI
HOANG

Plaintiffs,

v.

BANK OF AMERICA, N.A.;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION, INC.,

Defendants.)) Case No. 2:17-cv-00874-JLR
)
) **AMENDED STIPULATED MOTION**
) **TO RESCHEDULE ORDER SETTING**
) **TRIAL DATES**
)
) **HEARING NOTED APRIL 9, 2020**
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Relief Requested:

The parties, Jerry Hoang, et al., Plaintiffs, and Bank of America NA, et al., Defendants, through their respective attorneys of record, hereby move to extend the trial and all related dates in this Court's Minute Order Setting Trial Dates and Related Dates, Dkt 36, to the end of the Court's present trial

1 calendar in 2021, as also noted in the Court's April 2, 2020, Order, Dkt. 41,
 2 and to thereby respectively extend all dates and deadlines accordingly,
 3 including specifically the disclosure of expert testimony deadline which has
 4 been affected by the health and safety protocols resulting from the COVID-19
 5 outbreak throughout the country and the deadline for amending pleadings.

6 **Facts:**

7 The Scheduling Order of June 10, 2019, set the following dates:

8	1. BENCH TRIAL DATE	October 5, 2020
9		
10	2. Deadline for amending pleadings	April 8, 2020
11		
12	3. Disclosure of expert testimony under 26(a)(2)	April 8, 2020
13		
14	4. All motion related to discovery must be filed by (see LCR 7(d))	May 8, 2020
15		
16	5. Discovery completed by	June 8, 2020
17		
18	6. All dispositive motions and motions challenging expert witness testimony (see LCR 7(d) must be filed by	July 7, 2020
19		
20	7. Agreed pretrial order due	Sept. 14, 2020
21		
22	8. Deposition designation must be submitted to the court (not filed on CM/ECF) by	Sept. 16, 2020
23		
24	9. Pretrial conference to be held at 2:30 PM on	Sept. 21, 2020
25		
	10. Trial Briefs and proposed findings of fact by	Sept. 28, 2020

1 ***Stipulation and Argument:***

2 Principally, the parties believe and agree that an extension of all
3 deadlines set forth above will allow the parties to further engage in already
4 ongoing settlement negotiations which have stalled because of the emergence of
5 the coronavirus. As the Court knows, activities in both Washington and
6 California have been significantly affected due to the health emergency.

7 Specifically, due to shelter-in-place limitations caused by the COVID-19
8 protocols throughout the country, Defendants have been unable to timely
9 retain and confer with an expert that they feel would be valuable to the
10 resolution or litigation of these claims. Continuing all deadlines in the prior
11 scheduling order will allow the parties additional time to procure expert(s)
12 without any prejudice to the other parties or to the Court, especially in light of
13 the length of the trial continuance, which the Court has noted will set the trial
14 into late 2021. Therefore, the parties specifically stipulate that the deadline of
15 expert testimony under FRCP 26(a)(2) shall be continued according to the new
16 trial date and request that the Court include an extension to the deadline of
17 expert testimony under FRCP 26(a)(2) in its new scheduling order, in addition
18 to all other dates in the scheduling order.

19 Moreover, Plaintiffs specifically request, and the parties hereby
20 stipulated, that the Court should also continue the deadline for amending
21 pleadings as additional discovery may reveal the need to amend the operative
22 pleading.

23 The parties believe and agree that the jointly-sought extension of these
24 deadlines will not prejudice any parties or result in an undue delay given the
25 on-going health emergency in this nation and the present status of the case.

The parties have not requested any previous extensions of time and do not contemplate doing so in the future should the Court grant this request.

Conclusion

The parties respectfully request that the Court issue a new scheduling order to respectively extend all of the above-identified deadlines after placing the trial to the end of the Court's trial calendar.

Respectfully submitted,

BY: s/ Scott E. Stafne
Scott E. Stafne, WSBA # 6964

BY: s/ Douglas C. Stastny
Douglas C. Stastny, WSBA #52383

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2 **CERTIFICATE OF ELECTRONIC SERVICE**
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4 I hereby certify that on this date I electronically filed the foregoing
5 document with the Clerk of the Court using the CM/ECF system which will
6 send notification of such filing to those attorneys of record registered with the
CM/ECF system.

7 DATED this 9th day of April, 2020 at Mount Vernon, Washington.
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9 By: s/ LeeAnn Halpin
10 LeeAnn Halpin, Paralegal
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7 **UNITED STATES DISTRICT COURT IN AND FOR
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10 JERRY HOANG; LE UYEN THI) Case No. 2:17-cv-00874-JLR
HOANG)
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15 BANK OF AMERICA, N.A.;)
FEDERAL NATIONAL MORTGAGE)
ASSOCIATION, INC.,)
16)
Defendants.)
17)
18)

) **SCHEDULING ORDER**

19 The Court has considered the parties' stipulated motion to reschedule
20 order setting trial dates and finding good cause GRANTS the motion. The Court
21 will issue a new scheduling order.

22 Dated this 10th day of April, 2020.

23 
24 Honorable James L. Robart
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